

BILL NO. Z-96-07-13

ZONING MAP ORDINANCE NO. Z-09-96

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. V-26.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business)

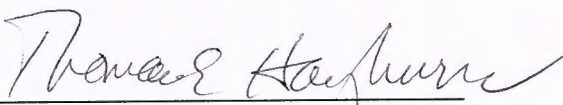
District under the terms of Chapter 157 Title XV of the Code of the City of Fort Wayne, Indiana of 1974:

The East 452.56 feet of the West 678.84 feet of the North 385.0 feet of the Northwest One-Quarter of Section 27, Township 31 North, Range 13 East, together with the East 50.64 feet of the West 226.28 feet of the North 275.0 feet together with part of the Northwest Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 13 East, in Allen County, State of Indiana, more particularly described as follows, to-wit:

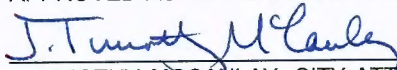
Beginning at the Northeast corner of the said Northwest Quarter of the Northwest Quarter; thence South on the East line thereof, 642 feet to a ditch; thence North 33 degrees West along said ditch, 348 feet; thence South 87 degrees 30 minutes West, 432 feet; thence North 369.5 feet to the North line of the said Northwest Quarter of Northwest Quarter; thence East on the North line of the said Northwest Quarter, 640 feet to the place of beginning, containing 6.63 acres, excepting therefrom 3.91 acres described as commencing at the Northeast corner if the West Half of the Northwest Quarter of Section 27, Township 31 North, Range 13 East; thence South 1 degree 0 minutes East along the East line of the West half of the Northwest Quarter of said Section; a distance of 642 feet; thence North 35 degrees 21 minutes West, a distance of 348 feet; thence North 45 degrees 16 minutes West, a distance of 522 feet to the center line of State Road No. 37, said center line of Road also being the North line of the West half of the Northwest Quarter of said Section 27; thence North 89 degrees 0 minutes East along the center line of said Road, a distance of 582.5 feet to the place of beginning, containing after said exception, 2.72 acres, more or less.

and the symbols of the City of Fort Wayne Zoning Map No. V-26, as established by Section 157.016 of Title XV of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULEY, CITY ATTORNEY

Read the first time in full and on motion by Ray Hurst,  
and duly adopted, read the second time by title and referred to the  
Committee on Regulations (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne,, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_\_, at \_\_\_\_\_ o'clock  
M., E.S.T.

DATED:

7-23-96

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ray Hurst,  
and duly adopted, placed on its passage. PASSED ~~100%~~  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS				<u>✓</u>
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED:

9-10-96

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL)

(ZONING)

ORDINANCE

RESOLUTION NO.

2-09-96

on the

10th

day of

September

1996

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

DD Schmidt  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 11th day of September, 1996,  
at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12th day of September,  
1996, at the hour of 8:00 o'clock 1 M., E.S.T.

PAUL HEIMKE  
PAUL HEIMKE, MAYOR





# Petition for a Zoning Map Amendment

#18506

Community & Economic Development / 1 Main Street Rm #830 / Fort Wayne IN 46802 / (219) 427-1129

I/We The Irving Family Trust, and Edward O. Remenschneider and Agnes E. Remenschneider, as tenants in common,  
do hereby petition to amend the Zoning Map of the City of Fort Wayne Indiana, by reclassifying from designation

a/an: R1

to a/an: B1B

designation the property located at the common street address of: 6448 Stellhorn Road

and further described as follows: (See addendum attached as Exhibit "A" for the legal description of the property.)

(Please attach a legal description if more space is needed.)

The purpose of this rezoning is to permit the use of the property for the following:

All uses permitted in a B1B zoning district.

Property Owner(s) Name(s): Edward O. Remenschneider and Agnes E. Remenschneider, as tenants in common (see addendum attached as Exhibit "B" for the Irving Family Trust address and signature)

Street Address: 6448 Stellhorn Road

City: Fort Wayne

State: Indiana

Zip Code: 46815

Phone: 485-4560

I/We the undersigned, do hereby certify that I am/We are the owner(s) of more than fifty percent (50%) of the property described in this petition; that I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance as well as all procedures and policies of the Fort Wayne City Plan Commission as relating to the handling and disposition of this petition; and that the above information is true and accurate to the best of my/our knowledge.

Edward O Remenschneider  
Signature

Edward O. Remenschneider  
Printed Name

6-10-96  
Date

Agnes E. Remenschneider  
Signature

Agnes E. Remenschneider  
Printed Name

6-10-96  
Date

Signature

Printed Name

Date

Notes to the Applicant:

- If additional space is needed for either a legal description, or property owners names addresses and signatures, please attach same to this form.
- All requests and deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice being submitted to the newspaper for publication.
- Filing of this petition grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property. Failure to post, or to maintain posting may prevent the public hearing from being held.
- All checks should be made payable to: CITY OF FORT WAYNE.

Name and Address of preparer, attorney or agent.

James A. Federoff

800 Standard Federal Plaza, P.O. Box 800

Fort Wayne, IN 46801-0800

(219) 422-0800

Telephone Number

Receipt #: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Map #: \_\_\_\_\_

Reference #: \_\_\_\_\_



# COIL & DICKMEYER, INC.

Civil Engineers - Land Surveyors - Planners

6044 East State Boulevard  
Fort Wayne, Indiana 46815-7639  
Office: 219-749-0125

C. David Coil, P.E., L.S. #10498  
Kerry D. Dickmeyer, L.S. #S0243  
John L. Updike, L.S. #S0494

Sheet 1 of 2

No. 96300

## SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THE DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

PROPERTY ADDRESS: 6356, 6408 & 6448 STELLHORN ROAD

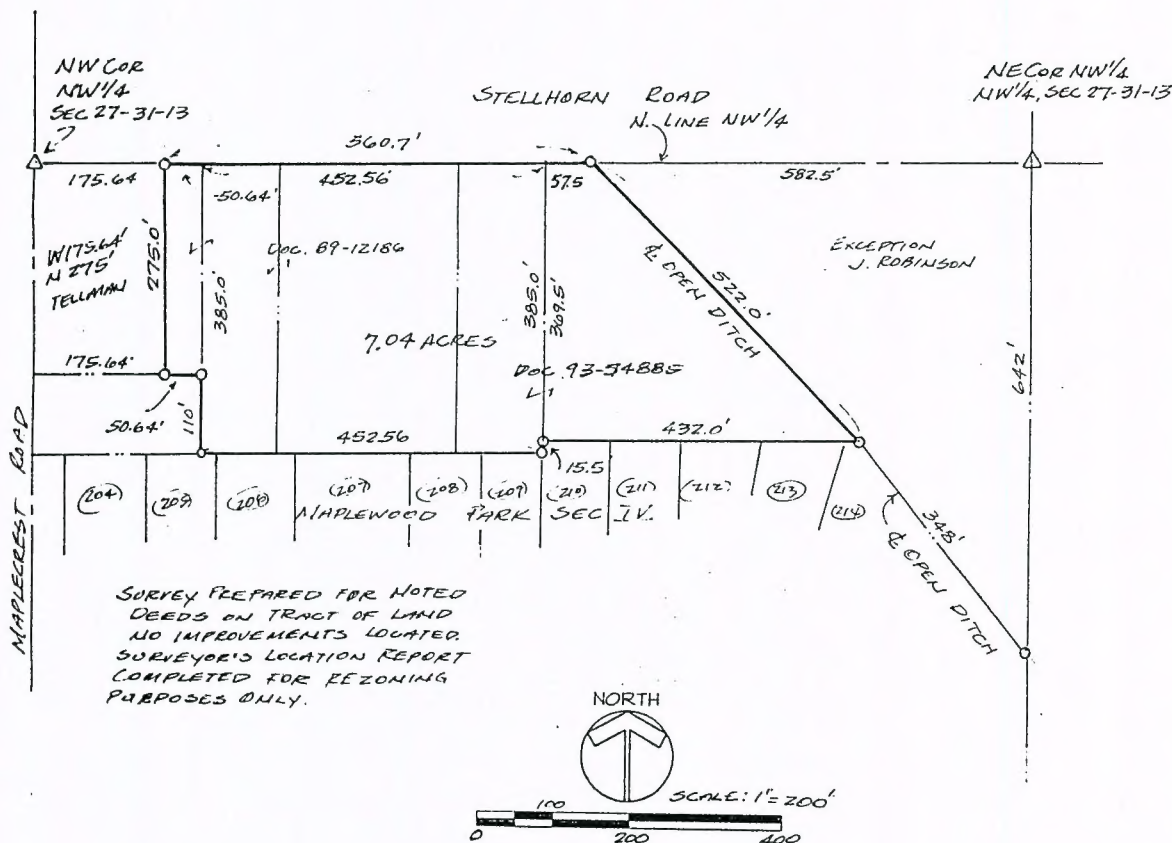
PROPERTY DESCRIPTION: 7.04 ACRES IN THE NW 1/4 SEC. 27-31-13, ALLEN COUNTY, INDIANA

as the same is recorded in Doc # 89-12186 & Doc # 93-54885 in the Office of the Recorder of Allen County, State of Indiana.

SUBJECT, HOWEVER TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

### FLOOD HAZARD STATEMENT:

RESIDENTIAL STRUCTURE IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE A, AS SAID TRACT PLOTS BY SCALE ON COMMUNITY PANEL NUMBER 18003C0285 E OF THE FLOOD INSURANCE RATE MAP.



### Title Co.:

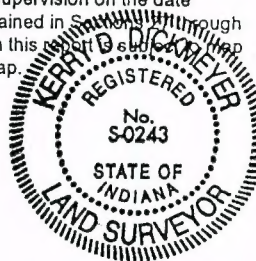
I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that, to the best of my knowledge and belief, this report conforms with the requirements contained in Section 29 of 865 IAC 1-12 for a Surveyor Location Report. The accuracy of any flood hazard statement shown on this report is based on map scale uncertainty and to other uncertainty in location or elevation on the referenced flood insurance rate map.

Proposed Owner: IRVING/REMENSCHNEIDER  
Proposed Buyer Name: N/A  
Proposed Lender Name: N/A

Certification Date: June 10, 1996

Registered Land Surveyor's Signature:

EXHIBIT "A"



**REZONING DESCRIPTION**

The East 452.56 feet of the West 678.84 feet of the North 385.0 feet of the Northwest One-quarter of Section 27, Township 31 North, Range 13 East, together with the East 50.64 feet of the West 226.28 feet of the North 275.0 feet together with part of the Northwest Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 13 East, in Allen County, State of Indiana, more particularly described as follows, to wit:

Beginning at the Northeast corner of the said Northwest Quarter of the Northwest Quarter; thence South on the East line thereof, 642 feet to a ditch; thence North 33 degrees West along said ditch, 348 feet; thence South 87 degrees 30 minutes West, 432 feet; thence North 369.5 feet to the North line of the said Northwest Quarter of Northwest Quarter; thence East on the North line of the said Northwest Quarter, 640 feet to the place of beginning, containing 6.63 acres, excepting therefrom 3.91 acres described as commencing at the Northeast corner of the West half of the Northwest Quarter of Section 27, Township 31 North, Range 13 East; thence South 1 degree 0 minutes East along the East line of the West half of the Northwest Quarter of said Section, a distance of 642 feet; thence North 35 degrees 21 minutes West, a distance of 348 feet; thence North 45 degrees 16 minutes West, a distance of 522 feet to the center line of State Road No. 37, said center line of Road also being the North line of the West half of the Northwest Quarter of said Section 27; thence North 89 degrees 0 minutes East along the center line of said Road, a distance of 582.5 feet to the place of beginning, containing after said exception, 2.72 acres, more or less.

Property Owner(s) Name(s):

The Irving Family Trust

Street Address:

2833 Hanning Rock Dr.

City:

Las Vegas State En. No.

Zip Code:

89134 Phone 702-254-9086

THE IRVING FAMILY TRUST

By: James D. Irving  
James D. Irving, Trustee



# COIL & DICKMEYER, INC.

Civil Engineers - Land Surveyors - Planners

C. David Coil, P.E., L.S. #10498  
Kerry D. Dickmeyer, L.S. #S0243  
John L. Updike, L.S. #S0494

6044 East State Boulevard  
Fort Wayne, Indiana 46815-7639  
Office: 219-749-0125

Sheet 1 of 2  
No. 96300

## SURVEYOR LOCATION REPORT

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH RESIDENTIAL LOAN POLICIES. NO CORNER MARKERS WERE SET AND THE LOCATION DATA HEREIN IS BASED ON LIMITED ACCURACY MEASUREMENTS. THEREFORE, NO LIABILITY WILL BE ASSUMED FOR ANY USE OF THE DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCES.

PROPERTY ADDRESS: 6356, 6408 & 6448 STELLHORN ROAD

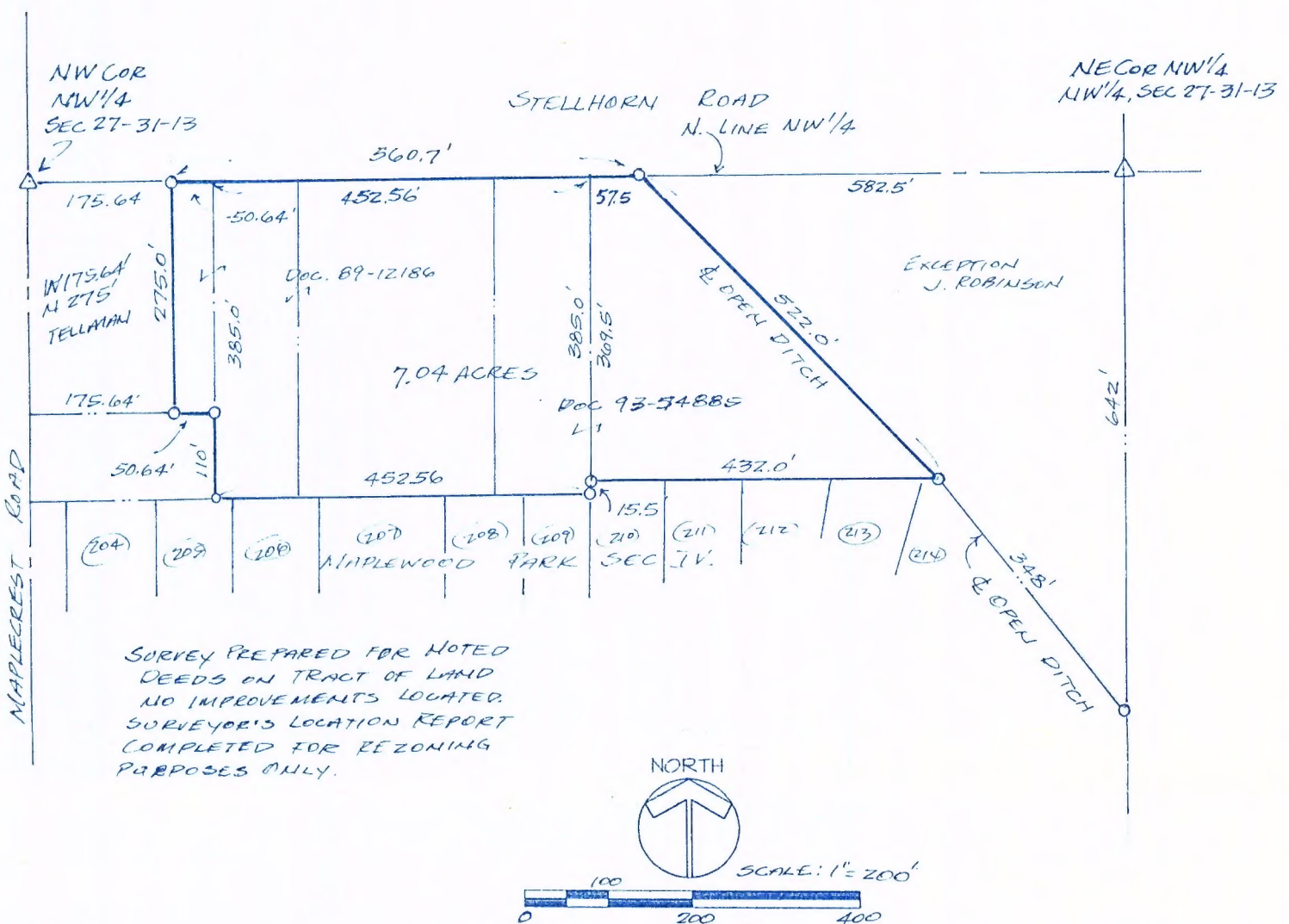
PROPERTY DESCRIPTION: 7.04 ACRES IN THE NW 1/4 SEC. 27-31-13, ALLEN COUNTY, INDIANA

as the same is recorded in DOC # 89-12186 & DOC # 93-54885 in the Office of the Recorder of Allen County, State of Indiana.

SUBJECT, HOWEVER TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

### FLOOD HAZARD STATEMENT:

RESIDENTIAL STRUCTURE IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE A, AS SAID TRACT PLOTS BY SCALE ON COMMUNITY PANEL NUMBER 18003C0285 E OF THE FLOOD INSURANCE RATE MAP.



### Title Co.:

I hereby certify to the parties named above that the real estate described herein was inspected under my supervision on the date indicated and that, to the best of my knowledge and belief, this report conforms with the requirements contained in Section 29 of 865 IAC 1-12 for a Surveyor Location Report. The accuracy of any flood hazard statement shown on this report is subject to map scale uncertainty and to other uncertainty in location or elevation on the referenced flood insurance rate map.

Proposed Owner: IRVING/REMENSCHNEIDER  
Proposed Buyer Name: N/A  
Proposed Lender Name: N/A

Certification Date: June 10, 1996

Registered Land Surveyor's Signature:





**REZONING DESCRIPTION**

The East 452.56 feet of the West 678.84 feet of the North 385.0 feet of the Northwest One-quarter of Section 27, Township 31 North, Range 13 East, together with the East 50.64 feet of the West 226.28 feet of the North 275.0 feet together with part of the Northwest Quarter of the Northwest Quarter of Section 27, Township 31 North, Range 13 East, in Allen County, State of Indiana, more particularly described as follows, to wit:

Beginning at the Northeast corner of the said Northwest Quarter of the Northwest Quarter; thence South on the East line thereof, 642 feet to a ditch; thence North 33 degrees West along said ditch, 348 feet; thence South 87 degrees 30 minutes West, 432 feet; thence North 369.5 feet to the North line of the said Northwest Quarter of Northwest Quarter; thence East on the North line of the said Northwest Quarter, 640 feet to the place of beginning, containing 6.63 acres, excepting therefrom 3.91 acres described as commencing at the Northeast corner of the West half of the Northwest Quarter of Section 27, Township 31 North, Range 13 East; thence South 1 degree 0 minutes East along the East line of the West half of the Northwest Quarter of said Section, a distance of 642 feet; thence North 35 degrees 21 minutes West, a distance of 348 feet; thence North 45 degrees 16 minutes West, a distance of 522 feet to the center line of State Road No. 37, said center line of Road also being the North line of the West half of the Northwest Quarter of said Section 27; thence North 89 degrees 0 minutes East along the center line of said Road, a distance of 582.5 feet to the place of beginning, containing after said exception, 2.72 acres, more or less.

## RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

**WHEREAS**, the Common Council of the City of Fort Wayne, Indiana, on July 23, 1996, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-96-07-13; and,

**WHEREAS**, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

**WHEREAS**, the City Plan Commission conducted a public hearing on such proposed ordinance on July 15, 1996.

**NOW THEREFORE, BE IT RESOLVED** that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a **DO PASS** recommendation based on the Commission's following "Findings of Fact".

1) Approval of the request will be in substantial compliance with the City of Fort Wayne Comprehensive Plan, and should not establish as undesirable precedent in the area.

Zoning has already been established along the Stellhorn Road corridor to allow commercial uses. This request is consistent with the established precedent.

2) Approval of the request will not have an adverse impact on the current conditions in the area, or the character of current structures and uses in the area.

The developer has shown a sensitivity to the issues raised when blending commercial and residential uses. Staff feels that mitigation measures can be incorporated into site design.

3) Approval is consistent with the preservation of property values in the area.

Approval will represent a substantial investment in the area. Careful site design will enhance the commercial nature of the intersection, while buffering the residential uses.

4) Approval would allow the highest or best land use of the property under the provisions of the Zoning Ordinance.

Due to the nature of the existing development in the vicinity of the Stellhorn Road, Maplecrest Road intersection, "limited business" uses would be complimentary, and would represent the best potential for development.

**BE IT FURTHER RESOLVED** that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 26, 1996.

Certified and signed this  
30th day of August 1996.



Carol Kettler Sharp  
Secretary



ORIGINAL

ORIGINAL

#616

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 6448 Stellhorn Road

2-96-07-13

EFFECT OF PASSAGE Property is currently zoned R-1 - Single Family Residential. Property will be zoned B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE) \_\_\_\_\_

# FACT SHEET

Z-96-07-13

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Map Amendment

From R-1 to B-1-B

### DETAILS

Specific Location and/or Address

6448 Stellhorn Road

Reason for Project

Future commercial development.

Discussion (Including relationship to other Council actions)

15 July 1996 - Public Hearing

See attached minutes of meeting.

26 August 1996 - Business Meeting

This request was deferred from the July 22, 1996 Business Meeting.

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, five (5) voted in favor of the motion, three (3) voted against the motion.

Motion carried.

Members Present: Jim Dearing, Ernest Evans, DeDe Hall, James Hoch, Richard Pierce, Thomas Quirk, Dave Ross, Carol Kettler Sharp

Member Absent: Linda Buskirk

### POSITIONS

### RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/  
Proponents

Applicant(s)  
Edward & Agnes Remenschneider  
City Department

Other

Opponents

Groups or Individuals  
Ralph Blume, atty for  
Maplewood Association

Basis of Opposition

-traffic congestion  
-additional drainage  
-property would loss value

Staff  
Recommendation

☒ For ☐ Against

Reason Against

Board or  
Commission  
Recommendation

By

☒ For ☐ Against  
☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for conditions)

CITY COUNCIL  
ACTIONS  
(For Council  
use only)

☐ Pass ☐ Other  
☐ Pass (as amended) ☐ Hold  
☐ Council Sub. ☐ Do not pass



DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start Date 13 June 1996

Projected Completion or Occupancy Date 30 August 1996

Fact Sheet Prepared by Date 30 August 1996

Patricia Biancaniello

Reviewed by Date 6 Sept. 1996

Reference or Case Number

- b. Change of Zone #616  
From R-1 to B-1-B  
6448 Stellhorn Road

Jim Federhoff, attorney for the petitioners appeared before the Commission. Mr. Federhoff stated that they are requesting to rezone 7.2 acres of land from R-1 to B1B. He stated that the site is located on the south side of Stellhorn Road, east of Maplecrest Road. The west line of this property is located approximately 175 feet from the right-of-way of Maplecrest Road. He stated that the site is adjacent to the Famous Recipe Chicken Restaurant and also adjacent to the west is other commercial properties. He stated that to the north is the Stellhorn Plaza Shopping Center, a gas station, Zoli's Restaurant and a number of other commercial properties that have developed. He stated that the purpose of this rezoning is to allow for future commercial development of approximately 3 to 4 businesses, that would be consistent with the existing businesses in the area, while maintaining appropriate buffering and screening to mitigate potentially heavy impact to the residential properties to the south. Presently, this site is being used for residential purposes, there are three homes on the site. If the rezoning is approved, the homes would be demolished in connection with commercial construction. He stated that there is an obvious impact on the residential properties to the south. He stated that the requested rezoning matches up, in terms of depth, along Stellhorn Road, with the existing commercial properties on Maplecrest Road. He stated that they propose to screen the present residential areas to the south with a 25 foot buffer area. He stated that they have met with adjacent property owners and representatives of Maplewood Park Association and Maplewood Terrace Downs Association to discuss the project. He stated that they presented two options for buffering. He stated that the issue of buffering is not a condition of the zoning, but they want to apprise the Commission of the proposals that they have made to the residents. He stated that one alternative for buffering would be a solid board fence. He stated that there is a lot of existing mature trees on this site. He stated that some of the trees are very large and some of the trees are located along the rear line of the property. He stated that these trees along the rear should be incorporated into any screening plans. The other screening option would be a combination mound and plant material, on top of the mound. They suggested a 4 foot high mound with 5 to 6 foot evergreen trees planted on top of the mound. He stated that they asked the people who attended the meeting to give them feedback on which screening proposal might be probable. He stated that they have not been contacted by anyone to be made aware of any preference. He stated that the site would be developed for lower intensity retail businesses or offices, but specific uses have not been identified at this time. He stated that one of the critical issues in developing this site is access. He stated that there is very high volume traffic on both Stellhorn and Maplecrest Roads. He stated that they have had a series of meetings with City Traffic Engineering and the Driveway Subcommittee. He stated that as a result of those meetings it was determined that there would be two access points on Stellhorn Road. He stated that there would be a shared access with Famous Recipe Restaurant. He stated that the existing cut would be moved further to the east, so that there would be a little more separation from the intersection and it would be a right in and right out only, this is the western access to the property. The eastern access, roughly in the middle of the site, would allow for full turn movement. He stated that there will be additional lane construction required with this project, as well as the development of the north side. He stated that after this area of Stellhorn Road is reconstructed, according to the plans that have been established by the City Traffic Engineering, there will be 5 lanes at this area. He stated that there will also be internal circulation provided on the site. There is also a proposed connection to the site to the east, to accommodate internal



traffic circulation and to minimize cuts onto Stellhorn Road. He stated that the drainage is another big concern for this site. He stated that there are existing drainage problems in the area. He stated that there is a ditch, which is not a legal drain, that bisects the area, and extends along that diagonal property line. He stated that the petitioners have a crane out there that they use to shovel out sediment that is deposited in that ditch. It appears that the problem is that the outfall for the ditch is higher than the level of the ditch itself. He stated that in order to eliminate any problems for adjacent property owners, the on-site water will need to be retained on-site, so that there will not be an outfall any greater than currently exists. He stated that they feel they will be able to assist somewhat with the existing problems in the immediate area. He stated that sanitary sewer for this site is located in the area that is currently subject to the "Red Zone" policy of the Board of Works. He stated however that they have been informed that construction of a proposed relief line, to provide additional capacity to serve this general area, has been approved, in concept. He stated that final plans are being made to allow a mechanism, whereby future capacity will be made available to all users in the area. He stated that they recognize that commercial zoning on this site cannot occur until that sanitary sewer capacity problem is resolved. He stated that in order to memorialize the promise of internal traffic circulation and buffering on this property, they intend to prepare such restrictive covenants that will be submitted to staff for review and comment. The covenants will require the owners of the property in the future to provide cross easements, to maintain the buffer, and to maintain the internal driveways. He stated that the covenants will also require sharp cut off lighting, minimizing light spillage onto adjacent residential areas. He stated that there will also be a 25 foot setback that would be required for the buffer area. They have reviewed the comments made by the staff for the rezoning and they concur with the favorable comments. He stated that they request the Commission to approve a do pass recommendation to City Council for the rezoning. He stated that commercial zoning has already been established along Stellhorn Road and this request is consistent with that established precedent. He stated that the commercial uses for the site will be low intensity in nature, and they feel that any potentially negative impact on the surrounding residential properties will be mitigated. They also feel that the screening and buffering will further mitigate any potential negative impact on those residential properties. He stated that given the location of the property, fronting on Stellhorn Road, and near the intersection of Maplecrest Road, and with the substantial commercial development that has occurred on the north side of Stellhorn Road, he felt that continued long term residential use of this site is not the highest and best use of this property.

Pat Fahey, Senior Planner with C&ED questioned when they would have a copy of the restrictive covenants that he spoke of, for the staff to review.

Mr. Federhoff stated that he would hope to have them to the staff prior to the business session. He stated that he wanted to take in any comments from the meeting, so that they could be incorporated if necessary, into the covenants.

DeDe Hall questioned that when they looked into rezoning this property, if they had approached the city about the infrastructure problem.

Linda Buskirk stated that the Board of Public Works has the "Red Zone" policy in place because there is not enough capacity there for existing users. She stated that they have plans in place, and hopefully, they will be able to get financing together within this year, to be able to move forward on increasing the capacity problems in that area. She stated that in doing so, it would open up a wide area to development in the area.

DeDe Hall stated that she as a representative of an older part of the city, where they have plenty of problems in existing areas, she finds it is tough to sell, why the city cannot upgrade the existing areas, but the city can put money towards new development.

Ms. Buskirk stated that the sewer upgrading is for the existing problems in the area also. She stated that when the capacity problems were realized, they basically put a halt on new development, because it was the existing residents who have to put up with the problems with sewer overflowing in their backyards. She stated that the issues have to be addressed for the residents in the northeast just as well as they do for the residents in the southwest. She stated that even if this was a residential development they could not meet the "Red Zone" variance now.

Mr. Federhoff stated that the section of the relief line that is planned to be constructed, that will free up additional taps, actually is going to be paid for with private funds, which will be recovered by those developers when future users want to tap into the line.

Ralph Blume, attorney representing the Maplewood Property Association, appeared before the Commission. Mr. Blume stated that Mr. Larry Keeling of 6417 Birchdale Drive, whose property is adjacent to the site requested to be rezoned, did a survey of all of the commercial and business uses within a mile and one half radius of this site. He did this survey to indicate to the Commission that there is hardly any need for this rezoning. Mr. Blume stated that there are nine empty commercial buildings in the mile and one half area. He stated that he felt that this request was about five years premature. He stated that this property is currently a beautiful residential location. He stated that the lots are very deep and have tall oaks on them. He stated that he is advised that some of the trees are more than 100 years old. He stated that the three homes on the site are setback quite a way from Stellhorn Road. He stated that the rezoning would destroy all of this natural beauty and in doing so cause great harm to the residential homeowners on the south side of the property. He stated that to the west is Maplewood Shopping Center. He stated that the chain link fencing that separates the center from the residences is right at the back of the homes. He stated that buffering is not a part of the rezoning and the buffering that is to be done will be at the discretion of the developer. He stated that he felt that was one of the problems with the Fort Wayne Zoning Ordinance, that it contains no provisions for buffering. He was not sure how the city was able to "police" the buffering, when each property has a separate buffering arrangement. He stated that if the Commission does rezone this property, he implored the Commission to consider giving the residents the best possible buffering. He stated that he did not feel that the offer of 25 feet from the developer was a logical buffer under the circumstances. He stated that the homes that adjoin this property to the south, probably range in value from \$80,000 to \$125,000. He stated that the developer is referred to in the staff report as having a "good track record", and they do not dispute that. They feel, however, that no one can guarantee that the current developer will be the permanent owner of the property. He stated he did not feel that the rezoning should be based on the personality, or the status, of the applicant or present developer. The only assumption that they can make is that only the minimum standards of the ordinance will be met, once the property is rezoned. Once it is rezoned, the "stopper has been lifted and the water goes out". He stated that any other conclusions are just speculation. He stated that Mr. Federhoff was surprised that he had not heard from anyone in the area regarding the buffering. He stated that he felt it was a little like asking someone "How do you want to be executed?". He stated that they have Maplecrest Road, which is going to be reconstructed, Stellhorn Road which is going to be reconstructed. He stated that currently the traffic in the area is extremely dangerous, because the two east bound lanes merge into one just about where they are proposing the entrance for this



development. He stated that the staff report discusses a precedent for this use. He stated that they submit that there is no established precedent for this use. He stated that all of the commercial uses are north of Stellhorn Road, with the exception of Lee's Restaurant, which was a service station conversion, and not the outgrowth of any kind of rezoning. He stated that happened because there were service stations on all of the corners at one time. He stated the only commercial or businesses uses south of Stellhorn Road are out about 2½ to 3 miles. He stated he did not understand why they would want to compound the problems with the infrastructure by allowing this to be rezoned and developed. He questioned why the city would not wait until the infrastructure problems were settled, and then it might warrant rezoning. He stated that the developers of this parcel do not have anyone currently "chomping at the bit" to buy this land. He stated that the obvious evidence is that the rezoning will adversely impact the current conditions in the area. It will make them more hazardous for traffic, it will certainly effect the enjoyment of the residents, particularly the people who live adjacent to the property. He stated that there are at least 5 or 6 residents that abut directly against the property in question. He stated that all the residents in this area will be affected, because this will begin the rezoning of all of the properties south of Stellhorn Road. He stated he did not see how this rezoning could be the highest and best use of this land, at this time. He suggested that they should wait and see how the area will develop once the new infrastructure is in place.

Royce Yoder, 6321 Birchdale Drive appeared before the Commission in opposition. Mr. Yoder stated that they have drainage problems in the area and traffic problem. He also stated that the residents would be subject to added noise from a commercial development in such close proximity to their homes. He stated that he was also concerned about the trash that can be generated from a commercial development. He requested the Commission to deny the requested rezoning.

Nadine Recht, resident of Maplewood Addition, appeared before the Commission. She stated that she was representing the president of the Association. The Association is composed of 415 residents, who were all in opposition to the rezoning. She stated that this rezoning would not only affect the people that live adjacent to the property, but all of the people who live, drive and shop in the area. She stated that it is becoming increasingly impossible to get out of her addition onto Stellhorn Road. She stated that the traffic is horrendous, with three shopping centers on the other three corners of Stellhorn and Maplecrest Road. She stated that the drainage is a serious problem in their addition. She stated that this shopping center would add an additional burden to the drainage and traffic. She questioned why the Commission felt that they needed more businesses creating problems with traffic, drainage and reduction of the market value of their residences. She stated that she personally felt the approval of B1B in Stellhorn Village has completely destroyed the residential aspects of Maplewood Terrace and Maplewood Downs Additions, which is across from this shopping center. She felt that she was afraid that this rezoning would have the same effect on their property. She stated that as a realtor, the biggest and best use for this area is continued residential. She stated that she hoped the members of the Commission would consider the needs of the residents that live near this property. She stated that this commercial development might initially bring the city a few more tax dollars, but many other problems to the city and the residents. She stated that the residents have lived in the area and paid their taxes for many, many years.

Larry Keeling, 6417 Birchdale Dr, appeared before the Commission in opposition. Mr. Keeling stated that he wanted to reiterate the issue of the number of existing businesses that are already in the area. Mr. Keeling stated that he felt that they have enough businesses in the area. He felt that the list he had compiled, that was presented by Mr. Blume, would indicate that there is

no business use that they are lacking in this area. He stated that his home was adjacent to the property in question. He stated he was not sure that a buffer would be of any service to his property. He stated that he was sure he would be subjected to the noise and see the lights from the businesses that would be constructed. He stated that he hoped that the Commission would take the needs of the area residents into consideration and deny the rezoning.

Bill Kaiser, 6427 Birchdale Dr, appeared before the Commission. Mr. Kaiser stated that he has lived in the area for some 17 years. He stated that this is currently a beautiful spot. He stated that he has seen watering standing in front of the homes on this property that looks like a lake, when the ditch gets high. He stated that by rezoning this property they are showing no regard for the financial rights of the people who live along this area. He stated that he had spoken with a realtor and was informed that if this rezoning is approved, he could lose approximately 1/3 of his property value.

Ralph Thomas, 4120 Wedgewood Dr, appeared before the Commission. Mr. Thomas stated that his property is approximately 5 blocks from the requested rezoning. He stated that in the last 3 to 5 weeks they have had sewage back up into their tri-level basement. He stated that they have called the city and all he has been told is that they have over capacitated lines in the area. He questioned how new permits could be released every day for new building and new development in this area. He stated that the new interceptor is supposed to be started soon. He stated that he was given to understand it is primarily for the additional facilities that are being built in Cherry Hill.

Jim Federhoff, stated that they are attempting to be responsible in developing this property. He stated that they have given a good deal of thought to the affect on the surrounding property owners. He stated that they really encourage their feedback and input. He stated that they will be happy to work with staff and try to come up with some acceptable solution. He stated that they have run into, in the city and the county, significant remonstrance for almost every commercial development that is proposed to be located next to a residentially zoned area. He stated that the residents concerns are very real, and certainly he would not minimize their concerns. He stated, however, that because there are concerns of adjacent residential property owners, that should not halt the growth of this community. He stated that if we become stagnant, then Fort Wayne and Allen County will not grow. He stated that they need to come up with a methodology allowing the commercial development in a responsible manner. He stated that they have attempted to do some advance planning with regard to the traffic situation in the area. He stated that they have tried to identify access points. They have tried to accommodate the storm drainage problem and have come up with a buffer plan. He stated that they are attempting to work with staff and other city agencies to come up with an overall plan for developing this site. He stated that this will not be developed as a strip mall. He stated that they feel that they can accommodate the compatibility concerns that have been voiced at the meeting.

Gary Trent, Sturges, Griffin & Trent, appeared before the Commission. Mr. Trent stated that they began in January working with the property owners to try and determine a logical use for this particular acreage, knowing some of the limitations. He stated that they reviewed some of the typical problems that occur, not only with respect to the concerns of neighbors, but also what kind of expectations that an ultimate owner is going to have for the site. He stated that traffic is one of the first things they addressed. He stated that they worked for about 90 days with the City's Traffic Engineering Department. He stated that the Driveway Subcommittee came up with a plan, which they have generally endorsed. He stated that involves the investment of private funds to add additional lanes on Stelhorn Road, to accommodate access in and out of this site,

plus on further east, where ultimately they believe a stop light will be placed. He stated that it is difficult to line up a "user" in advance when you have a lot of "hurdles to jump over". He stated that they are not in the business of going out and making promises to perspective users, hoping that they can deliver. He stated that their style has always been to get everything in place first, and then to approach users. He stated that having been done this for 22 years, they know full well, that there are users that would have an interest in expanding in this particular area, if there were sites available. He stated that there may be some vacant store fronts, but the availability of commercial sites for development is extremely limited. He stated that with regard to the question earlier, concerning whether 4 users turn into eight. He stated that the typical commercial users wants 150 to 175 feet of frontage, wants about 3/4 of acre to 1 acre of ground. He stated those figures would dictate, with their buffer areas and roadway limitations a useable site of about 250 to 300 feet of depth. He stated that is why they believe they will have 3 or 4 free standing buildings. He stated that the restrictive covenants will dictate the building be pushed toward the front of the site. Parking will occur behind the site and the common interior roadway system will serve all 4 uses. He stated that they are further agreeing in the restrictive covenants that they will not permit any of the ultimate owners to come back and ask for additional access on Stellhorn Road.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

#### **ADJOURNMENT:**



*From the desk of:*  
**Pat Biancaniello**

AGENT:

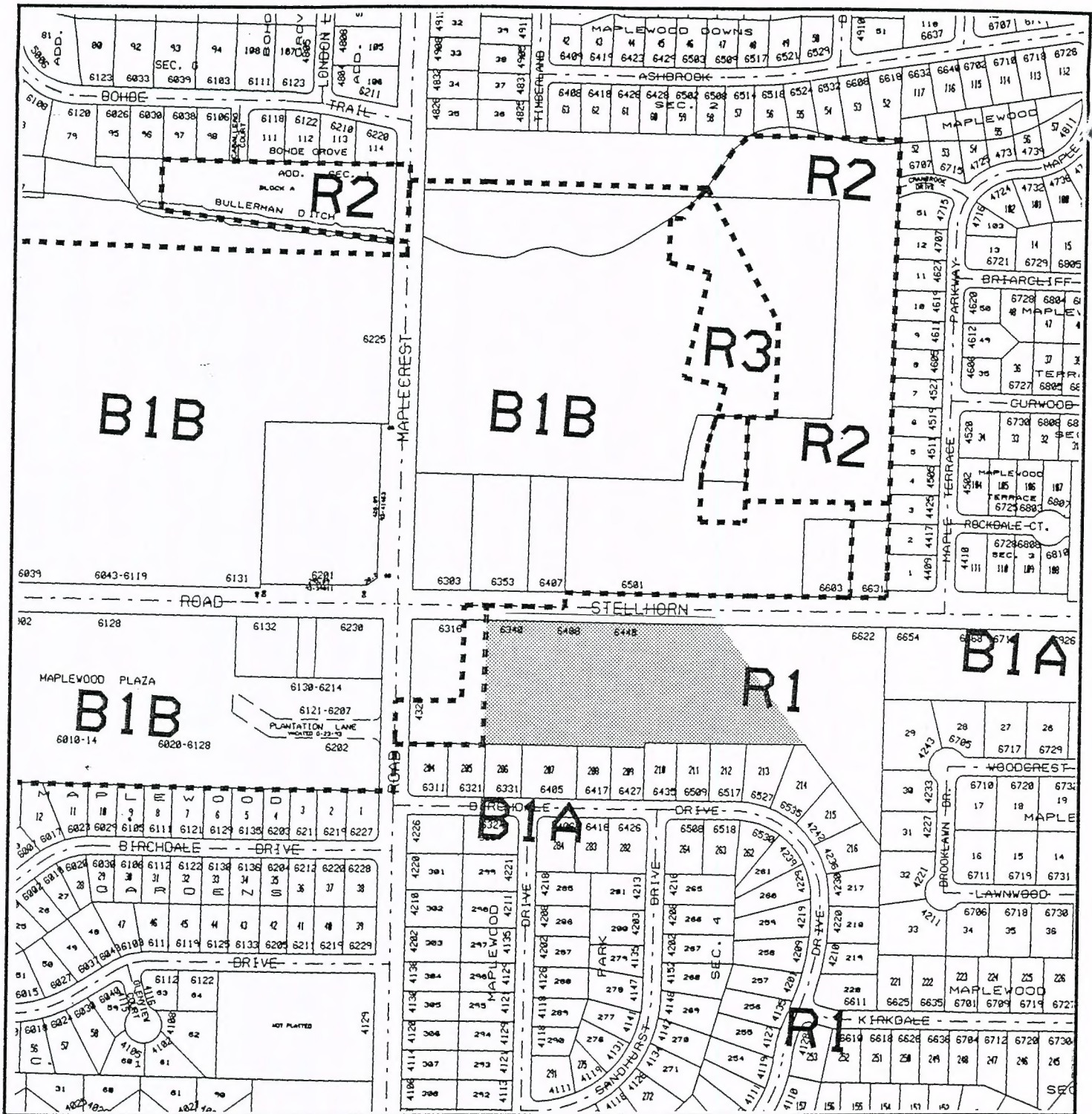
Jim Federhoff  
800 Standard Federal Plaza  
P O Box 800  
City 46801-0800

422-0800

# REZONING PETITION

AREA MAP

CASE NO. #616



COUNCILMANIC DISTRICT NO. 2

Map No. V - 26

LW 6-22-96

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		



BILL NO. Z-96-07-13

REPORT OF THE COMMITTEE ON  
REGULATIONS  
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR  
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort  
Wayne Zoning Map No. V-26

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Thomas E. Hayhurst* ✓

*Rebecca J. Ravine*

*Mike Young* *Debra Hall*

*Martin L. B. C.*

*James W. C. Murphy*

*Clifford P. C.monds*

DATED: 9-10-96

Sandra E. Kennedy  
City Clerk